

**ZB# 05-14**

**Allen Dantas**

**65-1-50.3**

ZBA # OS-14 Allen Dantes (Area)  
(65-1-50.5) Dean Hill Rd.

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 4/25/05*

**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 65-1-50.3

In the Matter of the Application of

**ALLEN DANTAS**

**MEMORANDUM OF  
DECISION GRANTING**

**AREA**

**CASE #05-14**

**WHEREAS, Allen Dantas**, owner(s) of 65-1-50.3 on Dean Hill Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone

**WHEREAS**, a public hearing was held on April 25<sup>th</sup>, 2005 and continued on May 9<sup>th</sup>, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were six (6) spectators appearing at the public hearing; and

**WHEREAS**, five persons spoke in opposition to the Application; and one person asked questions with respect to the application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a vacant property property located in a neighborhood consisting of one and two family residential properties.
  - (b) The applicant proposes to erect a two-family home on subject lot.
  - (c) The lot is in excess of two acres in size.

- (d) Under the previous zoning regulations, the lot would be of sufficient size to allow the erection of a two-family home.
- (e) The applicant maintained and members of the Zoning Board of Appeals have observed and the Building Inspector of the Town of New Windsor has agreed that there are a number of two-family homes in the neighborhood.
- (f) In erecting the two-family structure, the applicant will not be removing any trees or substantial vegetation.
- (g) In building the proposed two-family house, the applicant will not divert the flow of water drainage or create the ponding or collection of water.
- (h) The premises to be erected will not interfere with any easements including, but not limited to, water, sewer and electrical easements.
- (i) The property will be serviced by municipal water and sewer service.
- (j) The erection and maintenance of a two-family home is an allowed use in the zone in which the property is located.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) if the applicant will clean the drainage area in front and on the side of the lot so that it is free of any debris and drainage water has a free flow to the drainage around the lot by the road. The applicant, once the debris is clean, the applicant will maintain such drainage flow.

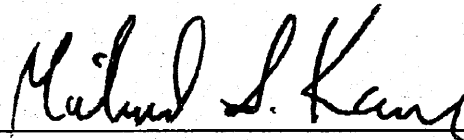
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone (65-1-50.3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 25, 2005



Chairman



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

August 23, 2005

Walter's Mobile Home Village, Inc.  
958 Little Britain Road  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #05-14**

Dear Mr. Dantas:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: March 24, 2005**

**APPLICANT: Allen Dantas  
958 Little Britian Road  
New windsor, New York 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/22/05**

**FOR : DANTAS, ALLEN**

**LOCATED AT: DEAN HILL RD.**

**ZONE: R-3    Sec/Blk/ Lot: 65-1-50.3**

**DESCRIPTION OF EXISTING SITE: VACANT LAND**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. LOT AREA**

**FILE COPY**



**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3      USE: TWO FAMILY DWELLING

MIN LOT AREA: 120,000

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

~~95,832~~

95,396

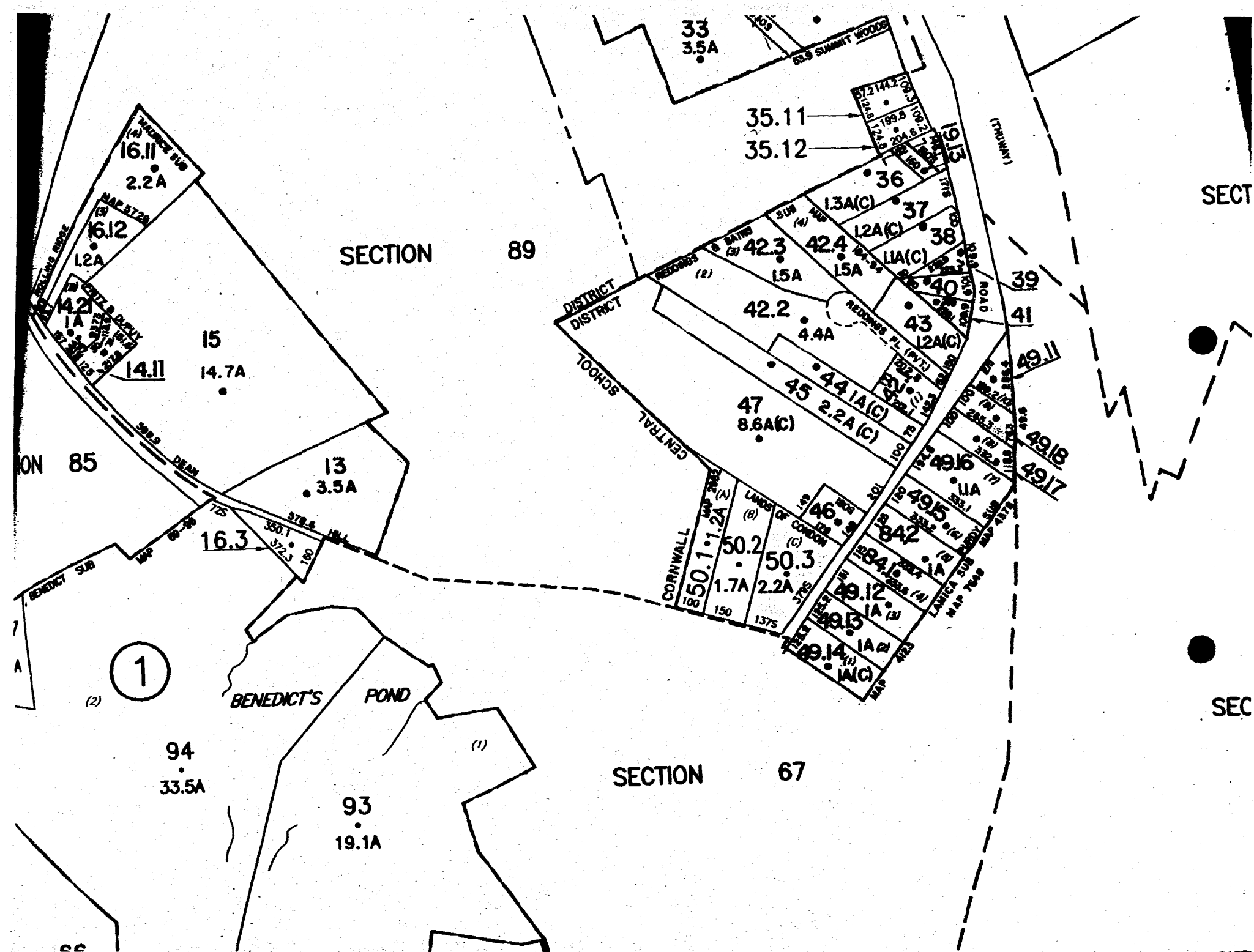
~~24,168~~

24,604

REVISED

7-29-08





PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected.

RECEIVED

MAR 22 2005

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Allen Dantas

Address 958 Little Britain Rd, New Windsor NY <sup>12553</sup> Phone # 564-1993

Mailing Address same Fax # 567-1444

Name of Architect Marlette Homes

Address Lewistown, Pa 17044 Phone \_\_\_\_\_

Name of Contractor Allen Dantas

Address 958 Little Britain Rd New Windsor NY <sup>12553</sup> Phone 564-1993

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the West Side side of Riley Rd  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N X

3. Tax Map Description: Section 65 Block 1 Lot 50-3

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant Land b. Intended use and occupancy 2 family private residence

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front 96 Rear \_\_\_\_\_ Depth 50 Height \_\_\_\_\_ No. of stories 1

8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor —

Number of bedrooms 6 Baths 4 Toilets 4 Heating Plant: Gas Gas Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water X Gas If Garage, number of cars 4

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use residence

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

**PAID**  
for ck # 12976

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinance

3/22/05  
date

3 1 22 05

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lal & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Allen Dantas  
(Signature of Applicant)

958 Little Britain Rd New Windsor NY 12553  
(Address of Applicant)

Allen Dantas  
(Owner's Signature)

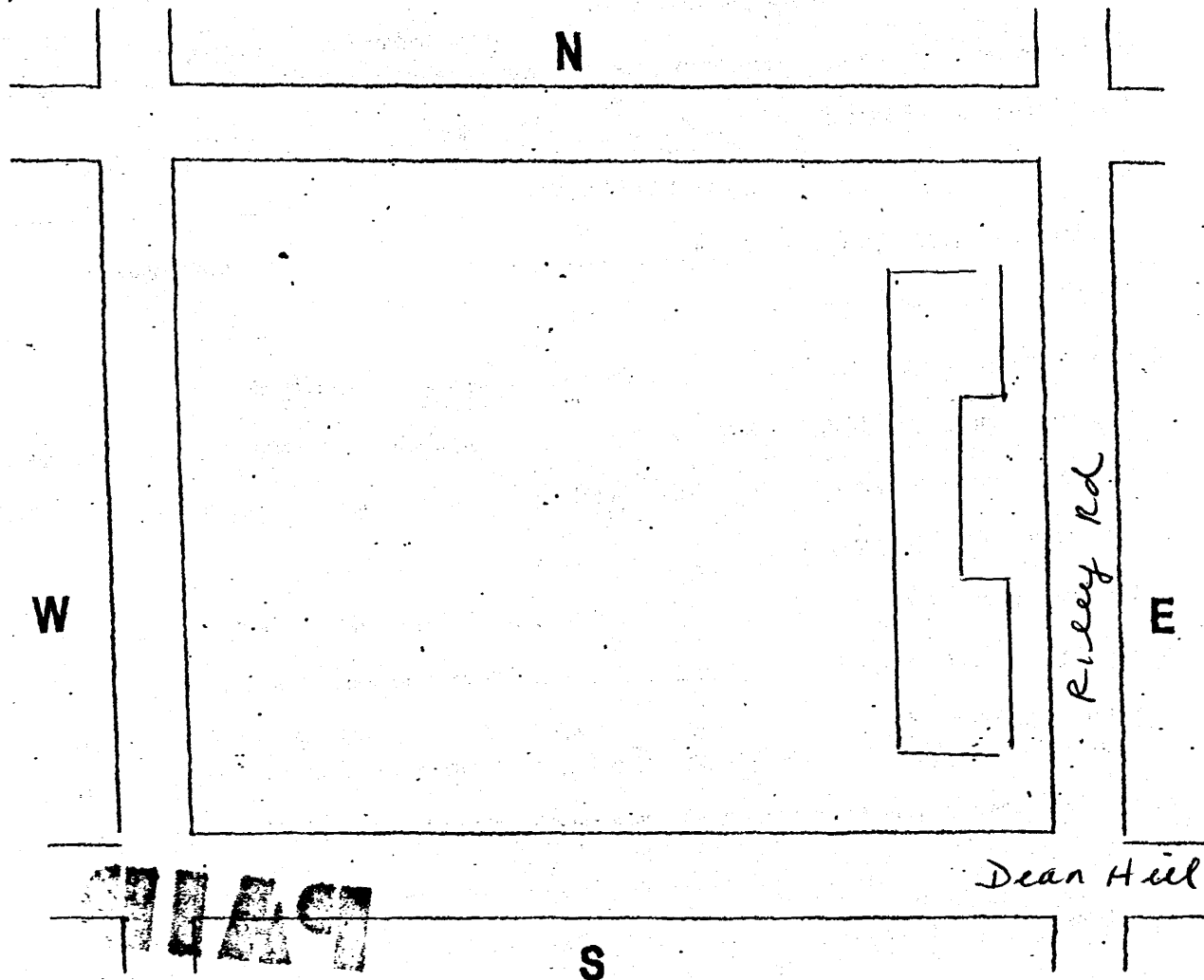
Same

(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**IMPORTANT**  
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake

[illegible]

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JULY 18, 2005**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 41.19 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-14**

**NAME & ADDRESS:**

**Walter's Mobile Home Village, Inc.  
958 Little Britain Road  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.07-18-05**



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECORD OF CHARGES & PAYMENTS**



FILE #05-14      TYPE: AREA      TELEPHONE: 564-1993

**APPLICANT:**

Walter's Mobile Home Village, Inc.  
958 Little Britain Road  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #12984
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK #12983



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$5.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
-----------------------	--	---------------------------------	-------------------------------

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>13</u>	PAGES	\$ <u>71.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>

LEGAL AD: Publish Date: 04-12-05      \$ 43.81

TOTAL:      \$ 153.81      \$ 105.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 258.81

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 41.19

Cc:

L.R. 07-18-05



March 28, 2005

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ALLEN DANTAS (05-14)

Mr. Allen Dantas appeared before the board for this proposal.

MR. KANE: Request for 24.168 minimum lot area for proposed two-family dwelling on Dean Hill Road.

MR. BABCOCK: Mr. Chairman, just so we can correct it for the record it's 24,604, we changed the numbers, it's not 24,168, it's his variance that he requests is 24,604, just so that the record is straight, Mr. Chairman.

MR. KANE: Tell us what you want to do, sir.

MR. DANTAS: Well, I bought the property over 20 years ago or about 20 years ago and I have been paying taxes and owned that piece of land. I had some plans for it but by the time I acted the zoning has changed and I got caught in a situation that I need for the two-family house there and I'm short on land.

(Whereupon, Mr. Krieger entered the room.)

MR. KANE: With the building of the two family house will you be cutting down any trees or substantial vegetation?

MR. DANTAS: No, the lot is clear.

MR. KANE: Creating any water hazards or runoffs with the building?

MR. DANTAS: No.

MR. KANE: Are there any easements on the property that the home itself will run through?

MR. DANTAS: No.

March 28, 2005

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MR. KANE: Septic and well?

MR. DANTAS: Sewer and water.

MR. KANE: Other two family homes in your neighborhood?

MR. DANTAS: Yes, there are some.

MR. KANE: So with building the two-family home in that neighborhood, it's not going to change the environment?

MR. DANTAS: The character of the neighborhood, no, because some are existing there already.

MR. KANE: Any other questions?

MR. MC DONALD: No. Accept a motion?

MR. KANE: I'll accept a motion.

MR. KANE: Make a motion we set Mr. Allen Dantas up for a public hearing on his request for the 24,604 square feet minimum lot area for the proposed two-family dwelling on Dean Hill Road in an R-3 zone.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MS. GANN	AYE
MR. MC DONALD	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. DANTAS: Thank you.

MR. KANE: Just follow the directions on this. Any questions, give Myra a call. Have a good evening.

**March 28, 2005**

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**MR. DANTAS: Thank you.**

May 9, 2005

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TABLED FROM 4/25/05 MEETING:

ALLEN DANTAS #05-14

MR. REIS: Request for 24,604 minimum lot area for proposed two family dwelling on Dean Hill Road.

Mr. Allen Dantas appeared before the board for this proposal.

MR. REIS: Good evening, Mr. Dantas, please tell us again what you'd like to do.

MR. DANTAS: Put a two-family home.

MR. KRIEGER: You need a motion to take it up off the table.

MR. REIS: Okay, make a motion that we get this off the table, we're looking for a public hearing.

MR. KRIEGER: That's fine, just procedural since it was tabled you have to take it off the table and consider it.

MR. REIS: Please tell us what you hope to accomplish.

MR. DANTAS: It's a large lot that I have, it's 2.2 acres that I've owned for over 20 years and the intent was to put four individual single family homes there but only had sewer at the time. And since the water line went through the zoning was changed and I could only build one family but it's for two-family home, also the lot and size for two-family home, that's why I'm here in front of the board.

MR. REIS: That's a corner lot if I recall?

MR. KRIEGER: Property is 2.2 acres.

MR. REIS: We have a lot size of 2.19 acres?

MR. DANTAS: Yes.

MR. REIS: Prior to, Michael, correct me if I'm wrong, but prior to the current zoning this would have been adequate?

MR. BABCOCK: That's correct, he would only need 50,000 square feet, just a little over an acre to build a two family.

MR. REIS: And we do have municipal water and sewer in this location. To accomplish this, Mr. Dantas, are you going, do you have to cut down any substantial vegetation?

MR. DANTAS: Yes, the lot's been cleared.

MR. REIS: And there's no conflicts with easements or right-of-ways?

MR. DANTAS: No.

MR. REIS: Do you know what the overall size of the house is going to be?

MR. DANTAS: No, I don't, I don't have the size of the home yet because I didn't even know if this would be approved.

MR. BABCOCK: Mr. Chairman, Mr. Dantas, we talked about the setbacks and he has every intention if he's successful in getting an area variance to meet the minimum setbacks of the lot so that will determine, there won't be a conflict.

MS. LOCEY: There were some questions at the last meeting regarding two-family houses in the area and do we know if there are two-family houses in the area?

May 9, 2005

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MR. REIS: Yes, there are. Michael, can you confirm that?

MR. BABCOCK: Yes, there is.

MR. REIS: Across the street I believe there's a couple.

MR. BABCOCK: This is a mixture of single and two-family houses all through that from up the street there's a bunch of two-family houses.

MR. REIS: It will be consistent with the neighborhood?

MR. BABCOCK: Yes.

MR. REIS: Did you have any other questions?

MS. LOCEY: No, I just I knew that was an open question.

MS. GANN: No questions.

MR. BROWN: No questions.

MR. REIS: Mike, anything else that you can think of that we should cover?

MR. BABCOCK: No.

MR. REIS: There were comments at our last meeting about the debris on the corner lot, obviously, that would be taken care of?

MR. DANTAS: It's not being taken care of because just in case that the board hadn't decided to go there to see it, it wasn't done by me, it was some debris was thrown from the neighbors themselves but I have an excavator contracted to come in to clear that up.

May 9, 2005

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MR. REIS: Very good.

MR. DANTAS: So that will be all taken care of.

MR. REIS: When you're finished, it will look better than it does now?

MR. DANTAS: Absolutely.

MR. REIS: Call for a vote.

MS. LOCEY: Accept a motion?

MR. REIS: Yes, ma'am.

MS. LOCEY: I will offer a motion to grant the requested 24,604 minimum lot area variance to Allen Dantas for his proposed two-family dwelling on Dean Hill Road in an R-3 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

PUBLIC HEARINGS:

ALLEN DANTAS (05-14)

MR. KANE: Request for 24,604 minimum lot area for proposed two family dwelling on Dean Hill Road.

Mr. Allen Dantas appeared before the board for this proposal.

MR. KANE: Is there anybody in the audience for this particular meeting? We're going to pass out a sheet so that you can just write your name and address for the stenographer so she has that information. So if you'd please sign that. When the public portion of the meeting opens up, you'll be allowed to speak or ask questions, whatever you need to at that time. Please try not to be repetitive, we'll try to get you the answers that you need. Okay? Tell us what you want to do.

MR. DANTAS: Hi, I want to build a two-family home in that particular lot that I owned for about 20 years. The zoning changed as soon as I bought it and that's why I'm here, it was a half acre lot with three utilities, 3/4 of an acre with one utility, I have 2.2 acres.

MR. BABCOCK: Mr. Chairman, as you're aware, the old zoning size of the lots were regulated by the amount of utilities you had. If you had town water, the lot could be smaller. If you had town water and town sewer, the lot could be smaller yet. And today the zoning took all that out, it doesn't matter whether you have water and sewer, it has no, regardless of water and sewer, the lot size is the same.

MR. KANE: So before without the zoning change three months ago he would not even be here?



MR. BABCOCK: That's correct.

MR. KANE: Will you be cutting down any trees, substantial vegetation in the building of this house?

MR. DANTAS: The lot was clear prior for applying for this.

MR. KANE: Create any water hazards or runoffs?

MR. DANTAS: No.

MR. KANE: Any easements running through your lot?

MR. DANTAS: No.

MR. KANE: Are you going to be on a well?

MR. DANTAS: No, city water and city sewer.

MR. KANE: Okay, at this point, I'm going to open it up to the public, hear what you guys got to say and then we'll bring it back and make a decision. You can stand up please, come up, state your name, if you have a question and say what you have to say. Anybody want to start?

MR. WENTEL: My name is Gary Wentel. Is that the lot right on Dean Hill right on the corner of Dean Hill that was just cleared?

MR. DANTAS: Yes.

MR. WENTEL: That's all I wanted to know right now.

MR. KANE: Your address, sir?

MR. WENTEL: My address is 1003 Forest Glen.

MR. KANE: Okay, sir, name and address?

MR. JOHNSON: Roy Johnson, 19 Dean Hill Road. It appears to me a two family is a little out of the context with everything else that's been built there, majority of the homes are single family homes there, quite a bit of an investment into those single family homes. To me it seems that two family, first of all, would be out of place, two, it allows for rental and people who are renting against people who on have a different understanding of people's values and I don't think that a two family is going to work in that area, I just think it's in the wrong place. Is it your intent to live there?

MR. DANTAS: Yes.

MR. JOHNSON: Are you sharing this with another relative?

MR. DANTAS: No. I could share it with a relative but I'm not going to lie to you, just to help pay for the taxes.

MR. JOHNSON: I understand the tax part of it, we all are carrying that burden, but I just think that the two family is just--

MR. DANTAS: There's a two-family house almost across the street from that lot right now.

MR. KANE: There are other two family homes.

MR. DANTAS: Almost across the street, just a few hundred feet to the left, maybe 200 feet away to the left there's a two family home there right now.

MR. BABCOCK: Mr. Chairman, just so that everybody knows he's not here because of the two family, it's a two family zone, it's a legal two family zone.

MR. KANE: Anybody could build a two-family house in that zone if they have the right property sizes. He was correct up till three months ago in the process when they changed the zoning in town and that's why he's here just to let you know.

MR. BABCOCK: It's 2.2 acres for the size of the lot.

MR. JOHNSON: So his lot is big enough to build a two family?

MR. KANE: It's actually with the change three months ago it went from enough to not enough, that's why he's here today.

MR. JOHNSON: So right now it's not enough?

MR. KANE: Exactly.

MR. JOHNSON: I'm looking at the lot and it looks like it's got three entranceways there, I'm puzzled by that, too.

MR. KANE: That will go to the planning board. I have nothing to say about that.

MR. JOHNSON: If you look where they put the rocks to go into the lot, it looks like you're going to build three houses. You're actually saying you're going to build one house?

MR. KANE: One house two family.

MR. JOHNSON: One house with two families?

MR. DANTAS: Right.

MR. KANE: So you're against it?

MR. JOHNSON: I'm sorry but I have to be against it.

MR. KANE: Thank you. Next?

MR. MANDETO: My name is Frank Mandeto, I live at 78 Riley Road. And before they filled that that was actually a runoff for Dean Hill and it was a pond where water would sit. Now that it's filled, the water is going into the ditch, going around the back and flooding my back yard, my back yard the last three storms we've had, I've had water in the entire back yard and it's still the entire yard is still wet right now because they filled that, that's all filled with dirt. I never had water in the house, now I'm getting water in the house because all that now the water has nowhere to sit, now it's coming down and instead of going into the hole that was there it's going into the ditch which is following around back behind my house and there's three houses that are getting wet.

MR. KANE: Where does the ditch empty out?

MR. MANDETO: It's going along the sides of Dean Hill when it comes down it's on Riley Road and then it turns and goes down toward Colby Kennels and it goes down the back of there and empties out into the three homes into the back yards and mine is the third house that I've had water come all the way out to the back of the house until it was filled. Never had a problem before so I'm against it.

MR. KANE: Thank you. Next?

MR. LYNADY: I live at 85 Riley Road, my name is Greg Lynady, I live next to the, to this lot and I agree with Mr. Johnson, two-family house is not going to fit in that neighborhood, it won't.

MR. KANE: There's already two family homes there, sir.

MR. LYNADY: They're all well off the road and they're

up the road.

MR. KANE: Understand.

MR. LYNADY: As far as the water runoff I got more water now than I ever had before. When I first moved in here 17 years ago, I had 1/3 horse power pump in my basement, I now have a 3 stage pump all of them half horsepower. I can't afford to have anymore water, I don't know what kind of, what he can do about the drainage in front of his place, but I know the ditch in front of his lot is filled with debris that I don't know if you guys can do anything about that, that's something altogether different as far as the--

MR. KANE: Have you checked with the building department or highway department on the clogged ditch?

MR. LYNADY: I've called, we're on a first name basis.

MR. KANE: Actually there's nothing in our power that we can do about that, just to ask that you're there, that's not under our realm.

MR. LYNADY: No repetition but I thought it was three homes there also three different driveways.

MR. KANE: No, single home, two-family house.

MR. LYNADY: That's going to be centered situated?

MR. DANTAS: Within the limits of the setbacks, yes.

MR. LYNADY: How big a home will it be?

MR. DANTAS: Two-family home, I didn't pick a home yet.

MR. LYNADY: Dimensions? You don't know?

MR. DANTAS: Going to be within the confines of the

setbacks because it's a big lot.

MR. LYNADY: Okay.

MR. KANE: Next?

MR. BOGGS: My name is Eric Boggs, I live at 82 Riley Road, not to be repetitive, I agree with these gentlemen and I'm against it also.

MR. KANE: Anybody else?

MR. HENAGHAN: Dennis Henaghan, 1004 Pine View and again I will just echo what my neighbors are saying, I'd be opposed to it.

MR. KANE: Next? Anybody else?

MR. MANDETO: Frank Mandeto again, 78 Riley Road.

MR. KANE: You get one shot because we can be here all night. Go ahead.

MR. MANDETO: As far as there being other houses directly across the street two family, there isn't one.

MR. KANE: There are two family homes in that neighborhood, sir, guarantee you.

MR. MANDETO: There is back in the woods and they don't infringe on any--

MR. KANE: You can't decide that you have an invisible line and decide not to count them, that's part of that particular zone, you've got to count them, okay just, you know, I'm not being argumentative but you can't pick and choose which ones in that zone. There are already existing two families and it is zoned for two family which means that anybody can come in and build a two-family home as long as they meet the setbacks, as

long as we meet the setbacks, they don't have to show up, as long as they fit in.

MR. MANDETO: One question, go back to the whole situation with the water, say he builds his house and now I get even more water, who's responsible for fixing my house and my property because ever since it's been filled?

MR. KANE: Don't know, I can't answer that for you. He filled the dirt in, he can leave it now, it's his property and the water keeps coming down to your property, he's not responsible, you know, I would say that we need to push to see if there's drains back there that are clogged or is there debris that needs to be taken out.

MR. MANDETO: The question you've asked each person who was here is is it going to affect drainage, you know, and so on and so forth.

MR. KANE: Right but you're saying that he's already filled the dirt in which he doesn't need to be here for and you're saying that the fill from of dirt is what caused that, the building of the home isn't going to do anything more than what he's already done, at least I don't think so.

MR. MANDETO: Well, he's bringing more dirt in to build that home and then he's also going to pitch everything away from his home so he doesn't get water and everyone else in the area does.

MR. KANE: That's going to be with the building department to make sure that he's got good drainage and you can't just build and have the whole thing flood out somebody next door either. As my attorney said that becomes a private matter between homeowners.

MR. MANDETO: Okay.

MR. LANEL: John Lanel (phonetic), 1036 Rolling Ridge. I didn't put my name on the paper but question is the zoning is for a certain amount of feet for acreage for a house, you guys changed that for a reason, why should we let this go on if it doesn't fit the code?

MR. KANE: Because we, well, not to say we're going to approve or disapprove it, but you have a certain deed line or something has been there for quite a few years and they just changed it, we believe to a degree that people will come in here and give them a little bit of leeway to do something with their property they have been paying taxes on for 20 years. Most people don't hear about the zoning changes.

MR. LANEL: But as a homeowner or landowner isn't that your business to keep abreast of these situations?

MR. KANE: That's why they have a board of appeals, that's what this is, it's an appellate board.

MR. LANEL: Okay.

MR. KANE: Any other questions? Once we close it, it's closed. Public meeting is closed. Myra, how many mailings did we have?

MS. MASON: On April 11, I mailed out 33 addressed envelopes and I had one response there.

MR. KANE: One response, this is from Miss Pisco who is against the two-family dwelling and it's not here for a two family dwelling. Okay. Now, gentleman over here was saying that you're going to have to bring in more dirt, are you going to have to build this lot up more to build a home?

MR. DANTAS: I will bring some more dirt but not to build it up and the fact that the water is clogging up



there is because of the, all the dead trees that died when the water accumulates around this area of the lot.

MR. KANE: Is that your particular lot?

MR. DANTAS: It's the debris is there, yeah, when it's built and the work has been done that could be cleaned and landscaped so the water would have a free flow to the drainage around the lot by the road.

MR. KANE: Is he able to clean that up at that drain?

MR. BABCOCK: I'm not sure, I've been by there but I didn't look at this particular area, I'm not sure whether this is a town ditch that we're talking about that need to be cleaned out or what has to be cleaned out.

MR. KANE: Okay.

MR. KRIEGER: When you say could be, you mean will be, don't you?

MR. DANTAS: It will be when construction will be done, yeah, it will be cleaned out.

MR. KRIEGER: It will be cleaned out?

MR. DANTAS: Absolutely.

MR. BABCOCK: Is this in the back of the lot?

MR. DANTAS: No, it's in the front of the lot and on the side of the lot, it's, you know, from Riley Road on the right-hand side, what I left is the trees that I didn't want to cut that's where we have to get in there and clean it up from all the debris that fell.

MR. KANE: Okay, there seems to be some concern from the neighbors that are in that area, you know, although

it's not a majority still I'd like to look at it. What I would like to do with your permission, it's up to you, I would like to table the vote for this evening until the next meeting to I personally would like to go out and take a look and see what that, what it looks like out there. I think that's only fair cause I'd like people to be able to use their lots that they're paying money on, then again, another person shouldn't have to spend thousands to clean up their water problem. So I would like to go out and take a look. I'm sure the other board members would too but if you don't want that, if you would rather we vote tonight that's your prerogative, sir.

MR. DANTAS: I wouldn't mind, I'd like to keep in good faith with my neighbors and I will do whatever we can when we build to accommodate however the low spot that it is on the lot is from all the stumps when we cleared up the lot.

MR. KANE: Myra has your phone number, we're going to give you a call, I'd like you to be out there.

MR. DANTAS: Would I have to be here for the next meeting?

MR. KANE: Yeah, it will be in the beginning of the meeting and it shouldn't take a long time, we can't open it back up to the public, we're just going to come in here, probably state what we saw and then take a vote.

MR. DANTAS: No problem.

MR. KANE: Does that seem like a fair resolution at this point?

MR. LYNADY: Do we get notified of the hearing?

MR. KANE: You won't get another letter, it will be the

next meeting which we meet on the second and fourth Mondays, May 9th will be, that's when we'll make a decision on it.

MR. DANTAS: I'd like to add one more thing, prior to cleaning that lot that was a neighborhood dump, I took truck loads of garbage that I have to pay \$75.00 a ton to dump it between tires, paint cans and all kinds of stuff that was laying around there, some people go by and toss bags of garbage there. So, I mean, I've been picking it up.

MR. KANE: All over New Windsor and Newburgh, believe me, any empty lot. So that's fair? I'd like a motion to table.

MR. REIS: Can I make a comment first? It seems that the neighbors made objections here because of the potential runoff, is that accurate? And I believe my point of view is that whether he builds a single family or two family and he makes this, even if it was single family and it took up the space of a two family potential that he's not going to create anymore or any less whether it be single family or two family.

MR. BABCOCK: That's correct.

MR. REIS: Follow me?

MR. KANE: What can happen if he wanted to and you correct me if I'm wrong on this, if he wasn't going for a two family and one family have two different acreage things, correct, so if he just wanted to put a single-family home of that size he probably wouldn't even be here.

MR. BABCOCK: That's right.

MR. KANE: As far as the water runoff because it's zoned for two, so two family is not a question, it's

about it.

MR. JOHNSON: His reason for wanting a two family is because of the taxes and like I said, I can understand that because we're all carrying that burden of the taxes and to me if we're biting the bullet my feeling is if he wants to be there he should bite the bullet too, even though you say two families are permitted, the lot is not big enough right now for two family, you have to give him a variance.

MR. KANE: We're being repetitive, I understand your feeling, believe me. You have something different you want to say?

MR. JOHNSON: I just have a, you know, it just bothers me that the two family is up there.

MR. KANE: Person has right to build on their property and it's zoned for two family, if he can squeeze it in he'd be doing it, that's why he's here just because of the change, otherwise he wouldn't be here. Any other questions while I have--now we're done. Okay, Mike, vote to postpone the meeting.

MR. REIS: Make a motion that we table, postpone this public hearing until the next meeting May 9 for a final decision for the requested variance of 24,604 minimum lot area for proposed two-family dwelling on Dean Hill Road.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: April 25, 2005PROJECT: Alan Dantas ZBA # 05-14  
P.B.# \_\_\_\_\_

USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

## ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒  
VARIANCE APPROVED: M) RS S) MC VOTE: A \_\_\_\_\_ N \_\_\_\_\_GANN A  
LOCEY A  
~~REIS~~  
MC DONALD A  
REIS A  
KANE A

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

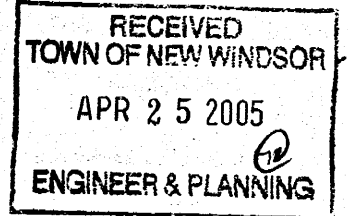
Tabled until next meeting

Debris must be cleared up

Call + set up field visit

No Trees To be cut  
No easements  
Town Water & SewerMary Wentzel - 1003 Forest Glen  
Thayer Johnson - 19 Dear Hill  
Frank Mandato - 78 Riley  
Greg Leredy - 85 Riley  
Eric Bagg - 82 Riley Rd  
Denis Heragan - 1004 Pine View

PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR



PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 05-14**

**Request of ALLEN DANTAS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone (65-1-50.3)**

**PUBLIC HEARING will take place on APRIL 25, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

*Michael S. Kane*

Michael Kane, Chairman

4/24/05  
Please be advised Richard Fusco & Gene Fusco  
are against the above proposition. We are against the  
proposed 2 family dwelling on Dean Hill.

Sincerely,  
*Gene Fusco*  
Richard V. Fusco

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# ALLEN DANTAS

**#05-14**

**X**

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 11TH day of **APRIL, 2005**, I compared the **33** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

18<sup>th</sup> day of April, 2005

*(J. M. Gallagher)*  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/2006**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

April 5, 2005

Allen Dantas  
958 Little Britain Road  
New Windsor, NY 12553

Re: 65-1-50.3      ZBA#: 05-14 (33)

Dear Mr. Dantas:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

65-1-45  
Bertil Taube  
95 Riley Road  
New Windsor, NY 12553

65-1-49.12  
Frank & Barbara Mandato  
78 Riley Road  
New Windsor, NY 12553

65-1-49.15  
Douglas & Vinni Murphy  
92 Riley Road  
New Windsor, NY 12553

65-1-50.2  
Ruby Reed  
P.O. Box 185  
Vails Gate, NY 12584

67-1-1  
William & Margaret McDonnell  
1131 Sharpshooters Road  
North Fayston, VA 05660

67-1-2.22  
Floyd & Tamra Johnson  
P.O. Box 662  
Newburgh, NY 12550

67-1-5  
Wendy & Edward Kimball, Jr.  
41 Riley Road  
New Windsor, NY 12553

67-4-1.22  
Bryant & Ella Mae Harris  
P.O. Box 525  
Vails Gate, NY 12584

67-4-4.1  
Edward Miele  
P.O. Box 116  
Southfields, NY 10975

67-4-16  
Hudson Valley Drilling  
2177 Route 94  
Salisbury Mills, NY 12577

65-1-46  
Gregory & Diane Lynady  
85 Riley Road  
New Windsor, NY 12553

65-1-49.13  
David & Jaime Larmon  
72 Riley Road  
New Windsor, NY 12553

65-1-49.16  
Michael Yarusinsky  
96 Riley Road  
New Windsor, NY 12553

65-1-84.1  
Eric & Debra Boggs  
82 Riley Road  
New Windsor, NY 12553

67-1-2.1  
Peter & Elaine Escalera  
61 Riley Road  
New Windsor, NY 12553

67-1-3  
Alton & Alice Peterson  
53 Riley Road  
New Windsor, NY 12553

67-4-1.1  
Paul & Donna McCarthy  
58 Riley Road  
New Windsor, NY 12553

67-4-2  
Ronald, Renee, Michael & Donna Handy  
54 Riley Road  
New Windsor, NY 12553

67-4-12.2  
Erie Properties Corp.  
401 South Water Street  
Newburgh, NY 12550

89-3-21  
Ricky & Paula Martino  
1010 Pine View  
New Windsor, NY 12553

65-1-47  
Windsor Heights, LLC  
c/o Mid Hudson Park Management  
157 West Main Street  
Wappingers Falls, NY 12590

65-1-49.14  
Robert McIntosh  
Stacy Shaw  
68 Riley Road  
New Windsor, NY 12553

65-1-50.1  
Byron & Sandra Menegazzo  
14 Dean Hill Road  
New Windsor, NY 12553

65-1-84.2  
Donna & Prudencio Morales, Jr.  
88 Riley Road  
New Windsor, NY 12553

67-1-2.21  
Guillermo Dealecio  
7 Dean Hill Road  
New Windsor, NY 12553

67-1-4  
Debbi Roszkowski  
45 Riley Road  
New Windsor, NY 12553

67-4-1.21  
Luklen & Susan Simpson  
62 Riley Road  
New Windsor, NY 12553

67-4-3  
Nilda Natal  
Roberto (UX) Alvarez  
50 Riley Road  
New Windsor, NY 12553

67-4-13.1  
Linda Jobson  
P.O. Box 655  
Vails Gate, NY 12584

89-3-22  
Wilce & Annette Robles  
1008 Pine View  
New Windsor, NY 12553

89-3-23  
John Robinson, Jr.  
1006 Pine View  
New Windsor, NY 12553

89-3-24  
Denis & Linda Henaghan  
1004 Pine View  
New Windsor, NY 12553

89-3-25  
Anthony & Tracy Vence  
1002 Pine View  
New Windsor, NY 12553

**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-14  
Request of ALLEN DANTAS  
Request for a VARIANCE of the Zoning Local Law  
to Permit:

Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone (65-1-50.3)

PUBLIC HEARING will take place on APRIL 25, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

**Ad Number: 1747152 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

**INVOICING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFODRNL Date: 04/08/2005 Assigned Sales: PUBLICHEARINGNOTICE ZONINGBOARDOFAPPEAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 04/12/2005 End Date - 04/12/2005

Sort: PUBLIC HEARING NOTICE ZONING BOARD OF APP

**PRODUCTION:**

Text Size: 2 x 23.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tear sheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

**PRICING:**

Price: 43.81 Payment Method: B1 Amount Paid: 0 Amount Owed: 43.81

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Tell Forbid: 0 Mult. Content: 0

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

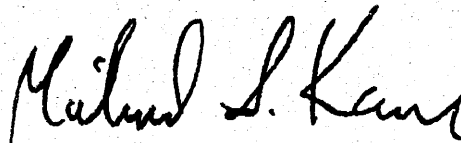
**Appeal No. 05-14**

**Request of ALLEN DANTAS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone (65-1-50.3)**

**PUBLIC HEARING will take place on APRIL 25, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

April 7, 2005

Walter's Mobile Home Village, Inc.  
958 Little Britain Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-14

Dear Mr. Dantas:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Dean Hill Road  
New Windsor

is scheduled for the April 25, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 03-28-2005

FOR: **ESCROW 05-14**

FROM:

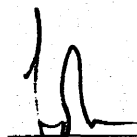
**WALTER'S MOBILE HOME VILLAGE, INC.**  
**958 LITTLE BRITAIN ROAD**  
**NEW WINDSOR, NY 12553**

CHECK NUMBER: **12983**

TELEPHONE: **564-1993**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/28/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#267-2005**

03/28/2005

Walters Mobile Home Village  
958 Little Britain Road  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 03/28/2005. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

ZBA 05-14  
application fee





RESULTS OF Z.B. MEETING OF: March 8, 2005

PROJECT: Allan Dantas ZBA # 05-14  
P.B.#

**P.B.#** \_\_\_\_\_

USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

**LEAD AGENCY:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_ **N**\_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) Mc S) RS VOTE: A 5 N 0

GANN	A
LOCEY	A
RIVERA	
<del>MCDONALD</del>	A
REIS	A
KANE	A

CARRIED: Y ✓ N       

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES**

**VARIANCE APPROVED:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_.

**GANN**  
**LOCEY**  
**RIVERA**  
**MC DONALD**  
**REIS**  
**KANE**

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

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# TOWN OF NEW WINDSOR

## REQUEST FOR NOTIFICATION LIST

DATE: 03-28-2005 PROJECT NUMBER: ZBA# 05-14 P.B. # \_\_\_\_\_

APPLICANT NAME: ALLEN DANTAS

PERSON TO NOTIFY TO PICK UP LIST:

ALLEN DANTAS  
958 LITTLE BRITAIN ROAD  
NEW WINDSOR, NY 12553

TELEPHONE: 564-1993

TAX MAP NUMBER:	SEC. <u>65</u>	BLOCK <u>1</u>	LOT <u>50.3</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: DEAN HILL ROAD  
\_\_\_\_\_

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 12985

TOTAL CHARGES: \_\_\_\_\_



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

MARCH 28/2005  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 564 1993  
Fax Number: (845) 567 1444  
ALLEN DANTAS  
(Name)  
95B LITTLE BRITAIN RD. NEW WINDSOR  
(Address)

**II. Applicant:**

Phone Number: ( ) 564 1993  
Fax Number: ( ) 567 1444  
ALLEN DANTAS  
(Name)  
95B LITTLE BRITAIN RD NEW WINDSOR  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)

**V. Property Information:**

Zone: R 3 Property Address in Question: RILEY RD / DEAN HILL  
Lot Size: 95, 832 Tax Map Number: Section 65 Block 1 Lot 50, 3  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? \_\_\_\_\_  
c. When was property purchased by present owner? 1985  
d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☒

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
<del>Min. Lot Area</del>	120,000	95,832	24,168
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

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**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I OWN THIS PROPERTY FOR  
20 YEARS AND PAY TAX ON IT.  
NOW BECAUSE OF ZONING CHANGE I  
NEED TO ASK FOR VARIANCE TO BUILD A  
TWO FAMILY DWELLING

**PLEASE NOTE:**

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**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
  
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

28<sup>th</sup> day of March 2005.

Allen Dantas  
**Signature (Notarized)**

ALLEN DANTAS

**JENNIFER MEAD**  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

[Signature]  
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

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